

Message Text

SECRET

PAGE 01 USUN N 03579 01 OF 02 040421Z

14

ACTION NODS-00

INFO OCT-01 ISO-00 /001 W

----- 115206

O 040026Z SEP 76

FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 9008

S E C R E T SECTION 1 OF 2 USUN 3579

NODIS

FROM: LOSDEL

E.O. 11652: XGDS-3

TAGS: PLOS

SUBJECT: LOS: SECRETARY'S MEETING WITH REPRESENTATIVES OF PERU,
SRI LANKA, NORWAY SEPTEMBER 2.

1. THE SECRETARY MET ON SEPTEMBER 2 WITH THE COMMITTEE I REPRESENTATIVES FROM PERU (ALVARO DE SOTO), SRI LANKA (CHRISTOPHER PINTO), AND NORWAY (HELGE VINDENES). PURPOSE OF MEETING WAS TO FOLLOW UP ON COMMITTEE I ROUND TABLE MEETING OF SEPTEMBER 1 (REPORTED IN SEPTTEL).

2. THE SECRETARY NOTED THAT THE DEVELOPED AND DEVELOPING COUNTRIES LOOK AT COMMITTEE I NEGOTIATIONS FROM TWO DIFFERENT PERSPECTIVES. THE DEVELOPED COUNTRIES BELIEVE THAT THEY HAVE MADE OFFERS OF MAJOR CONCESSIONS, INCLUDING FINANCING THE ENTERPRISE, TRANSFER OF TECHNOLOGY AND A REVIEW OF THE TREATY. THE SECRETARY NOTED THAT THE DEEP SEA BED MINING INDUSTRY WOULD NOT GET UNDERWAY UNTIL THE LATE 1980S AND IT WOULD TAKE MANY YEARS TO DETERMINE THE COMMERCIAL FEASIBILITY OF DEEP SEA BED MINING. CONSEQUENTLY, ONLY A FEW YEARS WOULD ELAPSE BETWEEN THE TIME MAJOR COMMERCIAL EXPLOITATION WAS BEGUN AND THE TIME WHEN THE TREATY WAS READY FOR REVIEW. THE SECRETARY STATED THAT THE US BELIEVES THAT IT HAS THE LEGAL RIGHT TO MINE THE SEA BEDS UNDER EXISTING INTERNATIONAL LAW BUT IS PREPARED TO

SECRET

SECRET

PAGE 02 USUN N 03579 01 OF 02 040421Z

VOLUNTARILY RESTRICT ITS FREEDOM OF ACTION IN THE

INTEREST OF CREATING AN INTERNATIONAL REGIME. HE SAID THAT THE DEVELOPING COUNTRIES SHOULD NOT TAKE FOR GRANTED THAT MORE CONCESSIONS CAN BE SQUEEZED FROM US. HE WARNED THAT CONGRESS MIGHT WELL ACT UNILATERALLY. HE STATED THAT THE LDCS SHOULD NOT COUNT ON A CHANGE OF POLICY AS A RESULT OF THE NEXT ELECTION, POINTING OUT THAT THE DEMOCRATIC PARTY HAS BEEN BEHIND THE 200-MILE BILL. HE THOUGHT THAT MR. CARTER'S POLICIES ON LOS WOULD NOT BE SIGNIFICANTLY DIFFERENT.

3. SENATOR PELL (D-RI) STATED THAT THERE WAS NO QUESTION IN HIS MIND THAT CONGRESS WOULD PASS DEEP SEA LEGISLATION AT THE NEXT SESSION.

4. MR. DE SOTO STATED THAT ALL COUNTRIES ACCEPT THE PRINCIPLE OF THE COMMON HERITAGE OF MANKIND WHICH, IN THE VIEWS OF THE LDCS, MEANS THAT THE INTERNATIONAL AREA MUST BE JOINTLY MANAGED. HE STATED THAT THE US HAD A POLITICAL COMMITMENT TO SEEK AN AGREEMENT ON DEEP SEA BED REGIME.

5. AMBASSADOR VINDENES SAID THAT NORWAY'S PRINCIPAL INTEREST WAS TO PROMOTE A COMPROMISE ON DEEP SEA BED ISSUES. HE SAID THAT THERE ARE MANY MEMBERS OF THE GROUP OF 77 WHO WILL RESIST ANY COMPROMISE. HE URGED THAT US POLICY BE DIRECTED TO STRENGTHENING THE HAND OF THOSE LDCS WHO FAVOR ACCOMMODATION.

6. DESOTO ASKED WHETHER THE PROPOSAL FOR A TREATY REVIEW MEANT THAT THE ACCESS SYSTEM IN THE TREATY WOULD BE PROVISIONAL. THE SECRETARY INDICATED THAT THE US HAD NOT FORMULATED ITS POSITION YET ON THIS QUESTION. HE STATED THAT ELEMENTS OF THE TREATY COULD BE SUGGESTED FOR RENEGOTIATION. HE STRESSED THAT US CONCERN WAS THAT DEEP SEABED MINING OPERATORS NOT BE SUBJECT RETROACTIVELY TO CHANGES IN THE EXPLOITATION SYSTEM. MR. DE SOTO AGREED THAT THIS WOULD NOT BE THE CASE. DESOTO SUGGESTED THAT THE SYSTEM WHICH WOULD BE FAVORED BY LDCS WOULD BE ONE IN WHICH, AFTER THE INTERIM PERIOD, AN ENTIRELY NEW SYSTEM OF EXPLOITATION COULD COME INTO
SECRET

SECRET

PAGE 03 USUN N 03579 01 OF 02 040421Z

FORCE. FOR EXAMPLE, ONE IN WHICH THE ENTERPRISE WOULD HAVE THE EXCLUSIVE RIGHT TO EXPLOITATION. DESOTO ASKED WHETHER THIS ISSUE COULD BE LEFT OPEN.

7. THE SECRETARY STATED THAT THE PROBLEM IS, HOW WOULD THE REVIEW PROVISION OPERATE: WOULD IT MEAN THE TREATY WOULD LAST ONLY 25 YEARS OR WOULD IT MEAN THAT THERE WOULD BE A PERMANENT TREATY COUPLED WITH AN OBLIGATION

TO RENEGOTIATE AFTER A CERTAIN NUMBER OF YEARS. THE SECRETARY SAID THAT WE DO NOT EXCLUDE THE POSSIBILITY OF A JOINT VENTURE EXPLOITATION SYSTEM AFTER 25 YEARS.

8. AMBASSADOR VINDENES SAID THAT THE US WOULD HAVE TO MODIFY ITS POSITION ON ARTICLE 9 IN THE DIRECTION OF THE GROUP OF 77. DE SOTO MADE CLEAR THAT IN HIS VIEW, THE PRODUCTION LIMITATION FIGURE OF 6 PERCENT WAS TOO HIGH AND THAT THE REVIEW CLAUSE SHOULD APPLY TO ARTICLE 9 AS WELL. THE SECRETARY STATED THAT WE COULD CONSIDER, ON CASE BY CASE BASIS, THE QUESTION OF COMMODITY AGREEMENTS AS THIS RELATES TO ARTICLE 9. THE SECRETARY SAID THAT IF THE PRODUCTION LIMITATION FIGURE IS TOO LOW THE EFFECT WOULD BE TO DENY US ACCESS. HOWEVER, HE STATED THAT IF THE ACCESS SYSTEM IS SATISFACTORY OTHER ISSUES WOULD BE NEGOTIABLE.

9. MR. PARSKY ASKED WHETHER THE GROUP OF 77 COULD AGREE TO AN ACCESS SYSTEM SATISFACTORY TO US. VINDENES REPLIED THAT IT WOULD HELP GAIN AGREEMENT IF ARTICLE 9 WAS REVISED. THE SECRETARY STATED THAT IT WOULD NOT BE APPROPRIATE TO DEMAND FURTHER CONCESSIONS FROM US UNTIL THE GROUP OF 77 HAD AGREED ON AN ACCEPTABLE ACCESS SYSTEM. IT WOULD BE APPROPRIATE FOR THE GROUP OF 77 TO REOPEN NEGOTIATIONS ON OTHER ISSUES AT SUCH TIME AS THEY RESPOND ON THE ACCESS QUESTION. DE SOTO SAID THAT THE PRODUCTION LIMITATION IN ARTICLE 9 IS OUTRAGEOUSLY LOW AND WOULD DISPLACE LAND-BASED PRODUCERS. THE SECRETARY URGED THAT THE QUESTION OF PRODUCTION LIMITATION WOULD BE CONSIDERED IN A PRODUCER-CONSUMER FORUM. HE SAID THAT HE DID NOT PRECLUDE THE POSSIBILITY OF MODIFYING THE PRODUCTION LIMIT, PROVIDING THE GROUP OF 77 MOVES ON THE ACCESS QUESTION. HE NOTED THAT EVEN THEN WE
SECRET

SECRET

PAGE 04 USUN N 03579 01 OF 02 040421Z

MIGHT NOT BE ABLE TO REACH AGREEMENT. AS TO THE LINK TO COMMODITY AGREEMENT, THE SECRETARY SAID WE COULD ACCEPT A LINK PROVIDED IT DID NOT OBLIGATE US TO PARTICIPATE IN SUCH AGREEMENTS.

10. DE SOTO SAID THAT ANOTHER SERIOUS ISSUE CONCERNS THE COMPOSITION AND VOTING IN THE COUNCIL. HE SAID THAT THE GROUP OF 77 COULD NOT ACCEPT A SYSTEM WHICH ENTAILED PERMANENT SEATS, GIVING ANY STATE A VETO, OR WEIGHTED VOTING. THE SECRETARY SAID THE US DELEGATION WOULD CIRCULATE A WORKING PAPER ON THIS ISSUE WITHIN THE NEXT FEW DAYS AND SEEK REACTIONS. HE SAID THE COMPOSITION AND VOTING PROBLEMS COULD BE DEALT WITH IN A NUMBER OF WAYS, NOTING THAT A NUMBER OF INTERNATIONAL BODIES USED THE QUALIFIED MAJORITY OF TWO-THIRDS.

DE SOTO SAID THAT A TWO-THIRDS MAJORITY WOULD BE ACCEPT-

ABLE BUT THAT THE GROUP OF 77 COULD NOT BE EXPECTED TO
AGREE TO MUCH MORE THAN THAT. THE SECRETARY SAID
THAT IF THE ACCESS PROBLEM WAS RESOLVED OTHER ISSUES
COULD BE TAKEN CARE OF, ALTHOUGH, OF COURSE, WE MIGHT
STILL HAVE DIFFERENCES. HE STRESSED THAT THERE MUST
BE SOME RELATION BETWEEN ECONOMIC CONTRIBUTION OF A
STATE AND ITS POSITION IN THE COUNCIL.

SECRET

NNN

SECRET

PAGE 01 USUN N 03579 02 OF 02 040222Z

62

ACTION NODS-00

INFO OCT-01 ISO-00 /001 W

----- 114233

O 040026Z SEP 76

FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 9009

S E C R E T SECTION 2 OF 2 USUN 3579

NODIS

FROM LOS DEL

11. MR. PINTO SAID THAT THE QUESTION OF ACCESS COULD
NOT BE SEPARATED FROM THE IDEOLOGICAL ISSUE OF THE COMMON
HERITAGE OF MANKIND. HE SAID THAT THE PROPOSAL MADE BY
THE SECRETARY WILL BE SEEN AS AN ATTEMPT BY THE US TO
BUY ACCESS. HE SAID THE US COULD NOT BUY IDEOLOGY. HE
ASKED WHETHER THE US WOULD CONSIDER AN ARRANGEMENT BY
WHICH, DURING AN INTERIM PERIOD OF APPROXIMATELY 25 YEARS,
THERE WOULD BE AN EXPLOITATION SYSTEM WITH A CERTAIN DEGREE
OF AUTOMATICITY. AT THE END OF THIS PERIOD, A NEW SYSTEM
OF EXPLOITATION, AS DETERMINED BY THE GROUP OF 77, WOULD
COME INTO EXISTENCE AUTOMATICALLY. THAT IS, THE TREATY
WOULD PROVIDE FOR TWO
DIFFERENT EXPLOITATION SYSTEMS: A TRANSITIONAL REGIME TO
BE FOLLOWED BY A PERMANENT REGIME. THE SECRETARY SAID
THAT WE COULD NOT AGREE NOW TO A DIFFERENT EXPLOITATION
SYSTEM IN 25 YEARS TIME.

12. THE SECRETARY STRESSED THAT THE US DOES NOT HAVE TO BUY ANYTHING: WE ARE ATTEMPTING TO CONTRIBUTE TO THE COMMON HERITAGE OF MANKIND. HE POINTED OUT THAT THE PROPOSALS WHICH HAVE BEEN MADE BY THE US MAY BE STRONGLY OPPOSED IN THE US CONGRESS. IF THERE IS NO SATISFACTORY ACCESS SYSTEM, THE SECRETARY STATED, THE US WILL NEGOTIATE AN AGREEMENT WITH THOSE COUNTRIES WHICH WILL BE INVOLVED IN DEEP SEA BED MINING AND THEN THE US WILL PROCEED TO MINE ON ITS OWN.

SECRET

SECRET

PAGE 02 USUN N 03579 02 OF 02 040222Z

13. DE SOTO SAID THAT THE SECRETARY SHOULD BE AWARE THAT EVEN IF PROGRESS IS MADE IN COMMITTEES II AND III, THERE WILL BE NO TREATY IF THERE IS NO SETTLEMENT OF THE ISSUES IN COMMITTEE I. THE SECRETARY SAID THAT HE UNDERSTOOD THAT. DE SOTO STATED THAT THE MATTER HINGES ON HOW MUCH THE US WANTS A TREATY. THE SECRETARY RESPONDED THAT THE MESSAGE WHICH HE WISHED TO GIVE WAS THAT THE US WAS APPROACHING THE LIMIT OF HOW FAR IT COULD GO. SENATOR PELL NOTED THAT THERE IS ALREADY CRITICISM IN CONGRESS AND THAT THERE WILL BE A TOUGH FIGHT IN CONGRESS TO GET AGREEMENT TO FINANCE THE ENTERPRISE.

14. THE SECRETARY URGED THAT THE IMPRESSION NOT BE LEFT THAT THE LOS CONFERENCE WAS ENDING ON A NOTE OF TOTAL CONFRONTATION IN COMMITTEE I. HE URGED THAT WE LEAVE THE IMPRESSION OF GENERAL PROGRESS. OTHERWISE, HE SAID, IT WILL BE HARD TO KEEP UNILATERAL ACTION IN CHECK. HE ASKED THAT THE PARTIES COME A LITTLE CLOSER TOGETHER ON THESE ISSUES NOTING THAT THERE WERE MANY WAYS IN WHICH THE TONE OF CONFRONTATION COULD BE EASED WHILE STILL LEAVING OPTIONS OPEN FOR BOTH SIDES AT A LATER SESSION. HE ASKED THAT THE COMMITTEE I REPRESENTATIVES THERE TO USE THEIR INFLUENCE TO CHANGE THE PERCEPTIONS IN THE GROUP OF 77 ON THE NEGOTIATIONS.

BENNETT

SECRET

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, SEABED, MINING, LESS DEVELOPED COUNTRIES, MEETING REPORTS, FOREIGN POLICY POSITION, COMMITTEES, INDUSTRIALIZED NATIONS, CAT-B
Control Number: n/a
Copy: SINGLE
Draft Date: 04 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN03579
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X3
Errors: N/A
Film Number: P840086-2287, N760006-0657
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760988/aaaacxyp.tel
Line Count: 265
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NODS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: NODIS
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: NODIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by woolfhd>; APPROVED <15 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: SECRETARY'S MEETING WITH REPRESENTATIVES OF PERU, SRI LANKA, NORWAY SEPTEMBER 2
TAGS: PLOS, US, CE, NO, PE, (KISSINGER, HENRY A)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006